

REMARKS

This communication responds to the Office Action mailed May 16, 2008 for the application captioned above.

Applicants provisionally elect the claims of Group I, claims 1-8, with traverse, and request examination. In support of the restriction requirement, the Examiner stated:

The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The common feature is *Cinnamomum zeylanicum*. However, *cinnamomum zeylanicum* can be extracted with ethanol (see Kamath et al., 2003, *Phytotherapy Research*, 17, 970-972). Thus, there is no special technical feature.

The mentioned extraction with ethanol is from the bark of *cinnamomum zeylanicum*, while the bioactive fraction of the invention as claimed in Groups I and II is from fruits of *cinnamomum zeylanicum*. Applicants submit this represents at least one special technical feature linking the two groups of claims that the Examiner has not considered.

Applicants therefore traverse the Restriction Requirement on the grounds that there is unity of invention. Further, no serious burden on the Examiner exists or is presented by searching for solvent based *cinnamomum zeylanicum* extraction processes or compositions comprising bioactive fractions derived from fruits of *cinnamomum zeylanicum*. If the search and examination of an entire application can be made without serious burden, then it should be examined on the merits even though it includes claims directed to distinct or independent inventions. Applicants respectfully submit that the subject matter of the identified groups is sufficiently related that a thorough search for the subject matter of one of these groups would

encompass the search for the subject matter of both groups. Therefore, Applicants submit that no serious burden on the Examiner exists and respectfully requests the Examiner withdraw the restriction requirement.

As to claims 4 and 8, applicants elect the species *Bacillus cereus*. Further, Applicants identify at least generic claims 1 and 5 as reading on the elected species.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910.

Respectfully submitted,

/Adonis A. Neblett/

Adonis A. Neblett

Registration No. 32,358

Customer No. 22859

Fredrikson & Byron, P.A.

200 South Sixth Street, Suite 4000

Minneapolis, MN 55402-1425 USA

Telephone: (612) 492-7000

Facsimile: (612) 492-7077

4372384_1.DOC